REMARKS

The Final Office Action dated May 15, 2009, has been received and reviewed. Each of claims 1-15 and 17-29 stands rejected. Each of claims 1, 11, 13, and 15 are amended as hereinabove set forth, and claims 10 and 27-28 have been canceled. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 102(e)

A.) Applicable Authority

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

B.) Anticipation Rejection Based on U.S. Publication No. 2005/0165895 to Rajan et al.

Claims 13-14 and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2005/0165895 to Rajan et al. (hereinafter the "Rajan reference"). As the Rajan reference fails to describe, either expressly or inherently, each and every element as set forth in the rejected claims, Applicant respectfully traverses this rejection, as hereinafter set forth. Claim 28 has been canceled herein, and therefore the rejection of this claim is rendered moot.

Independent claim 13, as amended herein, is directed towards a user interface that facilitates identifying junk messages. The user interface includes a processor operable to execute a junk rating field that can be acted upon by a user, the junk rating being determined at least in part upon by determining a junk score and at least in part upon an analysis of the junk score. The junk score is computed to reflect a spam confidence level of a message, and the junk score is a value or fractional value between 0 and 1. The spam confidence level corresponds to a probability that the message is spam or junk, and the *junk rating is saved as a property of the message.* Further, the *junk rating is exposed in the user interface along with the message regardless of a folder being viewed.*

It is respectfully submitted that the Rajan reference fails to describe that a *junk rating is saved as a property of the message.* Further, the Rajan reference fails to describe that the *junk rating is exposed in the user interface along with the message regardless of a folder being viewed.*

Rather, the Rajan reference is directed toward a method that provides for incoming e-mails that are suspected of being spam to be graded on their level of spaminess, and "then moving or copying the incoming e-mails into one or more of the spam directories based upon the e-mails' respective levels of spaminess." Rajan reference, Abstract. A plurality of directories are provided that contain the e-mails that have been suspected of being spam, such that the e-mails are moved or copied into the spam directories "based upon the e-mails respective level of spaminess." *Id.* at ¶ [0014]. As such, the directories provide the only indication of the level of spaminess found for each respective e-mail.

Independent claim 13, as amended herein, requires that once a junk rating is assigned to an e-mail, that rating is added or saved as a property to that message. To the contrary, the Rajan reference may move e-mails from one directory to another, depending on the

e-mail's spaminess. *See id.* at ¶ [0033]. At least two directories are provided, and each is assigned a spaminess range. *See id.* at ¶ [0029]. These ranges are defined "within a predefined spaminess scale and appropriately labeled." *Id.* The Rajan reference does not, however, teach or suggest in any way, that the level of spaminess determined for an e-mail is added as a property to that e-mail, as is required by claim 13, as amended herein. Once the level of spaminess is determined, however, the e-mail is moved to a directory according to the level of spaminess. This is not the same as adding the level as a property to the e-mail, and thus the Rajan reference cannot teach or suggest this feature of independent claim 13, as amended herein.

In support of its rejection of claim 13, the Office Action states that the Rajan reference discloses that "e-mail messages. . . are then moved into the appropriately labeled directory. . .[and] the score was used as an actionable property to sort the incoming messages to the appropriate folders." Office Action, p. 10. It is respectfully submitted that neither this portion of the Rajan reference, nor any other portion, teaches that a property is added to the e-mail such that the e-mail can be moved from folder to folder while keeping the same spam rating.

Further, the Rajan reference fails to describe that a junk rating is exposed in the user interface along with the message regardless of a folder being viewed. The only indication in the Rajan reference of a message's spam level is the folder in which it is contained. Rajan reference at ¶ [0014] and FIGs. 2 and 3. Simply moving a message into a directory or folder with other messages of similar spaminess does not allow a user to move the message into any other folder and still know what the spam level is. Unless the level is saved as a property to the message, the user would not know. This is an enormous advantage to the invention of claim 13, as amended herein. For example, a user's inbox may contain e-mails that have been determined to be spam of different levels, as well as e-mails that have been determined not to be spam. A

user can tell the spam level of each e-mail by either viewing the level on the user interface, or by viewing the properties of that e-mail, where the user will find that the spam level is included as one of the properties. *The Rajan does not allow for e-mails of different spam levels to be contained within the same folder or directory.* See, e.g., Rajan reference at FIG. 3. This is a **key difference** between the invention of claim 13, as amended herein, and the Rajan reference. As such, it is respectfully submitted that the Rajan reference fails to describe that a junk rating is exposed in the user interface along with the message regardless of a folder being viewed, as required by claim 13, as amended herein..

Claim 14 depends from independent claim 13, as amended herein, and therefore for at least the reasons stated above with respect to claim 13, is patentable over the Rajan reference. As such, claim 14 is believed to be in condition for allowance and such favorable action is respectfully requested.

Rejections based on 35 U.S.C. § 103(a)

A.) Applicable Authority

35 U.S.C. § 103(a) declares, a patent shall not issue when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or

motivation found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. *See*, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, that "it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application]." *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

B.)   Obviousness Rejection Based on the Rajan Reference in view of U.S. Pub. No. 2005/0080855 to Murray

Claims 1-9, 12, 15, 17-27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rajan reference, in view of U.S. Publication No. 2005/0080855 to Murray (hereinafter the "Murray reference"). As the Rajan and Murray references, either alone or in combination, fail to teach or suggest all of the limitations of rejected claims 1-9, 12, 15, 17-27, and 29, Applicants respectfully traverse this rejection, as hereinafter set forth. Claim 27 has been canceled herein, and therefore the 103(a) rejection of this claim is moot.

Independent claim 1, as amended herein, is generally directed towards a junk message interface system that facilitates identifying junk messages. More specifically, the system includes a processor for executing a plurality of components, including a message receiving component that collects at least one incoming message, and a filtering component that accepts the incoming message communicated from the message receiving component and determines whether a sender is known or trusted before scanning the message with a filter and determining a junk score for the incoming message. The junk score is computed to reflect a

spam confidence level of the message, and is a value or fractional value between 0 and 1. The spam confidence level corresponds to a probability that the message is spam or junk, wherein once the message has been scored, the message is bucketized based on the determined junk score and tagged with a junk rating which is added as a property on the message. Further, a user can override the junk score via a user-based action that affects the junk score of the message and future messages. The components additionally include a verification component that requests confirmation regarding user-initiated actions on rated messages, wherein the user-initiated actions include one or more of modifying the message or replying to the junk message, and a display component that renders the junk scores as an actionable property on a user interface to facilitate user management of incoming junk messages communicated from the filtering component.

It is respectfully submitted that neither the Rajan nor the Murry references, either alone or in combination, teach or suggest, at least, that once the message has been scored, the message is bucketized based on the determined junk score and *tagged with a junk rating which is added as a property on the message*. Further, both references fail to teach or suggest *a verification component that requests confirmation regarding user-initiated actions on rated messages, wherein the user-initiated actions include one or more of modifying the message or replying to the junk message.*

Rather, the Rajan reference is directed toward a method that provides for incoming e-mails that are suspected of being spam to be graded on their level of spaminess, and "then moving or copying the incoming e-mails into one or more of the spam directories based upon the e-mails' respective levels of spaminess." Rajan reference, Abstract. A plurality of directories are provided that contain the e-mails that have been suspected of being spam, such that the e-mails are moved or copied into the spam directories "based upon the e-mails respective

level of spaminess." *Id.* at ¶ [0014]. As such, the directories provide the only indication of the level of spaminess found for each respective e-mail.

Independent claim 1, as amended herein, requires that once a junk rating is assigned to an e-mail, that rating is added or saved as a property to that message. To the contrary, the Rajan reference may move e-mails from one directory to another, depending on the e-mail's spaminess. *See id.* at ¶ [0033]. At least two directories are provided, and each is assigned a spaminess range. *See id.* at ¶ [0029]. These ranges are defined "within a predefined spaminess scale and appropriately labeled." *Id.* The Rajan reference does not, however, teach or suggest in any way, that the level of spaminess determined for an e-mail is added as a property to that e-mail, as is required by claim 1, as amended herein. Once the level of spaminess is determined, however, the e-mail is moved to a directory according to the level of spaminess. This is not the same as adding the level as a property to the e-mail, and thus the Rajan reference cannot teach or suggest this feature of independent claim 1, as amended herein.

The Office Action states that the Rajan reference discloses that "e-mail messages. . . are then moved into the appropriately labeled directory. . .[and] the score was used as an actionable property to sort the incoming messages to the appropriate folders." Office Action, p. 10. It is respectfully submitted that neither this portion of the Rajan reference, nor any other portion, teaches that a property is added to the e-mail such that the e-mail can be moved from folder to folder while keeping the same spam rating.

Further, the Rajan reference fails to teach or suggest a verification component that requests confirmation regarding user-initiated actions on rated messages, wherein the user-initiated actions include one or more of modifying the message or replying to the junk message. The Office Action, in its rejection of claim 10, states that neither the Rajan nor Murray references explicitly disclose a verification component that requests confirmation regarding user-

initiated actions on rated messages. *See* Office Action at p. 25. It should be noted that claim 10 has been canceled herein. The Office Action points to paragraph [0062] of the Rouse reference (US Pub. No. 2001/0159136) in support of its rejection of this feature, which is now contained in independent claim 1, as amended herein. *See id.* Paragraph [0062], however, describes only that "a delete message may be displayed to the user to confirm this action." Rouse reference, ¶ [0062]. It is respectfully submitted that this cannot be used to teach or suggest the above-recited feature of claim 1. Claim 1, as amended herein, requires that a confirmation regarding user-initiated actions on rated messages is shown to the user, and that the user-initiated actions may include one or more of the user having modified the message, or replying to the junk message. Deleting the message is not contained within this feature of claim 1.

Additionally, it is respectfully submitted that the proposed modification to the invention of claim 1 in using the Rouse reference would render the prior art unsatisfactory for its intended purpose. "If proposed modification would render the prior art invention being modified unsatisfactory for the intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). As the Rouse reference is clearly used to teach that a delete message may appear to confirm that the user wishes to delete a message, having a confirmation of user-initiated actions on rated messages that include modifying or replying to the junk message would make the invention of the Rouse reference unsatisfactory for its intended purpose, which is clearly stated as "[a] system and method for enabling users to send and receive messages and other information from mobile devices and enabling users to access server-based information using mobile devices over wireless data networks. . ." Rouse reference at Abstract. Clearly, the Rouse reference has nothing to do with giving e-mails a spam or junk rating, and therefore providing any type of confirmation message

having to do with a spam e-mail would render the invention of the Rouse reference unsatisfactory for its intended purpose.

It is respectfully submitted that the Murray reference fails to teach or suggest, at least, that once the message has been scored, the message is bucketized based on the determined junk score and *tagged with a junk rating which is added as a property on the message*. Further, as stated in the Office Action, the Murray reference fails to teach or suggest *a verification component that requests confirmation regarding user-initiated actions on rated messages, wherein the user-initiated actions include one or more of modifying the message or replying to the junk message.* *See* Office Action at p. 25. Instead, the Murray reference is generally directed towards method of creating various lists, such as a whitelist and blacklist, which can be used for "processing received e-mail messages." Murray reference, Abstract. The sender of the e-mail is determined, and if the sender is known, the e-mail is sent to the recipient. *See id.* at FIG. 2. If the sender is on the blacklist, or is not known or trusted for some reason, the e-mail is processed according to the recipient's instructions. *See id.* Similar to the Rajan reference, a spam rating is not saved as a property of the e-mail. The e-mail is simply sent to the recipient, or it is processed in some other way if the sender is not a known sender, or is not trusted. *See id.*

Claims 2-9, 12, and 29 depend, either directly or indirectly, from independent claim 1, as amended herein, and therefore for at least the reasons stated above with respect to claim 1, are patentable over the Rajan and Murray references. As such, claims 2-9, 12, and 29 are believed to be in condition for allowance and such favorable action is respectfully requested.

Independent claim 15, as amended herein, is directed towards a method that facilitates identification of junk messages in a user's inbox. The method includes employing a processor to execute the identification of junk messages, which comprises receiving a plurality of incoming messages, determining whether a sender is known or trusted, and assigning a junk

rating to the messages. Further, the method includes exposing at least the junk rating on a user interface, and calculating a junk score for substantially all incoming messages, the junk score is computed to reflect a spam confidence level of the message, wherein the junk score is a value or fractional value between 0 and 1, and the spam confidence level corresponds to a probability that the message is spam or junk. Additionally, the method includes bucketizing the message based on the calculated junk score, tagging the message with a junk rating which is added as a property on the message, and overriding the junk score via a user-based action that affects the junk score of the message and future message. A confirmation is presented regarding the user-based action on the message, the user-based action including one or more of modifying or replying to the message.

For many of the same reasons as presented for independent claim 1, as amended herein, it is respectfully submitted that the Rajan and Murray references, either alone or in combination, fail to teach or suggest, at least, tagging the message with a junk rating which is added as a property on the message, and overriding the junk score via a user-based action that affects the junk score of the message and future message, wherein a confirmation is presented regarding the user-based action on the message, the user-based action including one or more of modifying or replying to the message.

Independent claim 15, as amended herein, requires that once a junk rating is assigned to an e-mail, that rating is added or saved as a property to that message. To the contrary, the Rajan reference may move e-mails from one directory to another, depending on the e-mail's spaminess. *See id.* at ¶ [0033]. At least two directories are provided, and each is assigned a spaminess range. *See id.* at ¶ [0029]. These ranges are defined "within a predefined spaminess scale and appropriately labeled." *Id.* The Rajan reference does not, however, teach or suggest in any way, that the level of spaminess determined for an e-mail is added as a property to

that e-mail, as is required by claim 1, as amended herein. Once the level of spaminess is determined, however, the e-mail is moved to a directory according to the level of spaminess. This is not the same as adding the level as a property to the e-mail, and thus the Rajan reference cannot teach or suggest this feature of independent claim 15, as amended herein.

The Office Action states that the Rajan reference discloses that "e-mail messages. . . are then moved into the appropriately labeled directory. . .[and] the score was used as an actionable property to sort the incoming messages to the appropriate folders." Office Action, p. 10. It is respectfully submitted that neither this portion of the Rajan reference, nor any other portion, teaches that a property is added to the e-mail such that the e-mail can be moved from folder to folder while keeping the same spam rating.

Further, the Rajan reference fails to teach or suggest overriding the junk score via a user-based action that affects the junk score of the message, the user-based action including one or more of modifying the message or replying to the junk message. The Office Action, in its rejection of claim 10, states that neither the Rajan nor Murray references explicitly disclose that a confirmation regarding user-initiated actions is presented for rated messages. *See* Office Action at p. 25. It should be noted that claim 10 has been canceled herein. The Office Action points to paragraph [0062] of the Rouse reference (US Pub. No. 2001/0159136) in support of its rejection of this feature, which is now contained in independent claim 1, as amended herein. *See id.* Paragraph [0062], however, describes only that "a delete message may be displayed to the user to confirm this action." Rouse reference, ¶ [0062]. It is respectfully submitted that this cannot be used to teach or suggest the above-recited feature of claim 15. Claim 15, as amended herein, requires that a confirmation regarding user-initiated actions on rated messages is shown to the user, and that the user-initiated actions may include one or more of the user having modified the

message, or replying to the junk message. Deleting the message is not contained within this feature of claim 15, as amended herein.

Additionally, it is respectfully submitted that the proposed modification to the invention of claim 15 in using the Rouse reference would render the prior art unsatisfactory for its intended purpose. "If proposed modification would render the prior art invention being modified unsatisfactory for the intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). As the Rouse reference is clearly used to teach that a delete message may appear to confirm that the user wishes to delete a message, having a confirmation of user-initiated actions on rated messages that include modifying or replying to the junk message would make the invention of the Rouse reference unsatisfactory for its intended purpose, which is clearly stated as "[a] system and method for enabling users to send and receive messages and other information from mobile devices and enabling users to access server-based information using mobile devices over wireless data networks. . ." Rouse reference at Abstract. Clearly, the Rouse reference has nothing to do with giving e-mails a spam or junk rating, and therefore providing any type of confirmation message having to do with a spam e-mail would render the invention of the Rouse reference unsatisfactory for its intended purpose.

It is respectfully submitted that the Murray reference fails to teach or suggest, at least, tagging the message with a junk rating which is added as a property on the message. Further, as stated in the Office Action, the Murray reference also fails to teach or suggest overriding the junk score via a user-based action that affects the junk score of the message and future message, wherein a confirmation is presented regarding the user-based action on the message, the user-based action including one or more of modifying or replying to the message. *See* Office Action at p. 25. Instead, the Murray reference is generally directed towards method

of creating various lists, such as a whitelist and blacklist, which can be used for "processing received e-mail messages." Murray reference, Abstract. The sender of the e-mail is determined, and if the sender is known, the e-mail is sent to the recipient. *See id.* at FIG. 2. If the sender is on the blacklist, or is not known or trusted for some reason, the e-mail is processed according to the recipient's instructions. *See id.* Similar to the Rajan reference, a spam rating is not saved as a property of the e-mail. The e-mail is simply sent to the recipient, or it is processed in some other way if the sender is not a known sender, or is not trusted. *See id.*

Claims 17-26 depend, either directly or indirectly, from independent claim 15, as amended herein, and therefore for at least the reasons stated above with respect to claim 15, are patentable over the Rajan and Murray references. As such, claims 17-26 are believed to be in condition for allowance and such favorable action is respectfully requested.

C.)   <u>Obviousness Rejection Based on the Rajan Reference in view of the Murray Reference in further view of US Pub. No. 2005/0159136 to Rouse et al.</u>

Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rajan and Murray references, and further in view of U.S. Publication No. 2005/0159136 to Rouse et al. (hereinafter the "Rouse reference"). Claim 10 has been canceled herein, and thus the rejection of claim 10 is rendered moot. As the Rajan, Murray, and Rouse references, either alone or in combination, fail to teach or suggest all of the limitations of rejected claim 11, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 11 depends from independent claim 1, as amended herein, and therefore for at least the reasons stated above with respect to claim 1, is patentable over the Rajan, Murray, and Rouse references. As such, claim 11 is believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-9, 11-15, 17-26, and 29 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or emcfarland@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no additional fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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